

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHELLE L. MILLER,	)	
	)	
Plaintiff,	)	Case No. 2:09-cv-00822
	)	
v.	)	Judge Terrence F. McVerry
	)	Magistrate Judge Lisa Pupo Lenihan
CITIZEN CARE,	)	
	)	
Defendant	)	Doc. No. 13

**MEMORANDUM ORDER**

The complaint in the above captioned case was received by the Clerk of Court on June 24, 2009, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (Doc. No. 19), filed on November 25, 2009, recommended that the Motion to Dismiss Plaintiff's Family Medical Leave Act Claims from the Amended Complaint, filed by Defendant Citizen Care (Doc. No. 13), be granted. Service was made on all counsel of record. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had ten (10) days to file any objections. No objections were filed to the Report and Recommendation.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

**AND NOW**, this 17th day of December, 2009,

**IT IS HEREBY ORDERED** that the Motion to Dismiss Plaintiff's Family Medical Leave Act claims from the Amended Complaint, filed by Defendant Citizen Care (Doc. No. 13), is **GRANTED** and said claims are **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (Doc. No. 19) of Magistrate Judge Lenihan, dated November 25, 2009, is adopted as the opinion of the Court.

s/ Terrence F. McVerry  
TERRENCE F. McVERRY  
United States District Judge

cc: Lisa Pupo Lenihan  
U.S. Magistrate Judge

All Counsel of Record  
*Via Electronic Mail*